

Entered - 7-23-01  
CL 01L0481 ALEXIS HOLMES

01-*R* -1363

CLAIM OF: **MIDTOWN CRUISER, INC.**  
Khibretab Techlehaimanot, President  
1874 Piedmont Road  
Suite 390-C  
Atlanta, Georgia 30324

For damages alleged to have been sustained when the City failed to provide for the issuance of Certificates of Public Necessity and Convenience for an unstated period of time at 1874 Piedmont Road, Apartment 390-C.

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

**Standing committees  
AGENDA**

ADVERSE REPORT  
CITY COUNCIL SEP 17 2001

## ADVERSE REPORT

PUBLIC SAFETY &

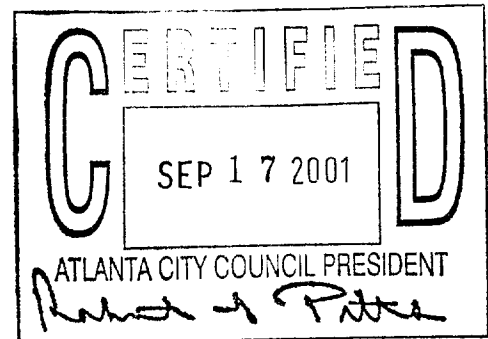
LEGAL ADMINISTRATION COMMITTEE

DATE: *Public Safety*

CHAIR: *9/12/01*

*Sherry D. Dwyer*  
*[Signature]*  
   
   
 

*C. T. Martin*



*[Signature]*  
DEPUTY MUNICIPAL CLERK



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

October 3, 2001

Midtown Cruiser, Inc.  
Khibretab Techlehaimanot, President  
1874 Piedmont Road  
Suite 390-C  
Atlanta, GA 30342

**01-R-1363**

Dear Mr. Techlehaimanot:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 17, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,  
*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 001L0481

Date: 8/8/01

Claimant /Victim MIDTOWN CRUISER, INC.

BY: (Atty) \_\_\_\_\_

Address: 1874 Piedmont Road, Suite 390-C Atlanta, Georgia 30324

Subrogation: \_\_\_\_\_ Claim for Property damage \$100,000.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 7/11/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence Not stated Place: City of Atlanta

Department Police Division: Taxicabs and Vehicles for Hire

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that it sustained damages when the City failed to provide for the issuance of Certificates of Public Necessity and Convenience (CPNCs) which had been revoked or otherwise confiscated by the City. An investigation determined that a need has not been established to set provisions to issue the additional CPNCs. Also, business owners must meet the requirements of the City's Ordinances that govern these matters before obtaining a license to conduct business within the City. Lastly, the City, pursuant to Code of Ordinance Section(s) 162-61, 162-62, and 162-97 is in compliance.

**INVESTIGATION:**

Statements: City employee X Claimant \_\_\_\_\_ Other \_\_\_\_\_ Written X Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_

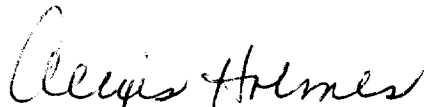
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 08-14-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3123  
9/17/01  
6:39 PM

Atlanta City Council

Regular Session

MULTIPLE  
01-R-1363

Unfavorable Claims; Items 20-59

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 1  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	E Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE